

9441.1987(83)

OCT 23 1987

Mr. Michael Mclaughlin  
Vice President  
SCS Engineers  
11260 Roger Bacon Drive  
Reston, VA 22090-5282

Dear Mr. Mclaughlin:

This is in response to your letter of September 1, 1987, to Matt Straus, concerning regulation of supernatant liquid resulting from treatment of spent pickle liquor (EPA waste K062).

In the situation you have described, the impoundment would be a regulated unit under RCRA if it stores any supernatant liquid from the lime-stabilization of waste pickle liquor. The supernatant forms during clarification of the lime-stabilized mixture. The preamble to the June 5, 1984 Federal Register (49 FR 23284) states that "...sludge from the treatment of spent pickle liquor (K062) is generated by a well known technique involving lime neutralization, flocculation, clarification, and, in most cases, dewatering of the resultant sludge.

According to Agency policy (see OSWER Directive number 9441.12184) attached), the exclusion under 40 CFR 261.3(c)(2)(ii) applies to the sludge generated from the treatment process, but not the supernatant liquid. Because Section 261.3(c)(2)(ii) does not address the supernatant portion arising from lime stabilization of waste pickle liquor, that liquid portion would be derived from K062, and thus a hazardous waste, per Section 261.3(c)(2)(i). A surface impoundment holding this supernatant portion would be subject to regulation under RCRA Subtitle C.

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If you have further questions in this area, contact Mike Petruska of my staff at (202) 382-7729.

Sincerely,

Marcia E. Williams  
Director  
Office of Solid Waste

Enclosure